

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SALVADOR FLORES,

Defendant.

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CASE NO. 8:05CR11

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 22) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 12). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant is charged in a one-count Indictment with possessing more than 500 grams of a mixture or substance containing methamphetamine with intent to distribute. He seeks an order suppressing physical evidence obtained as the result of his January 9, 2005, encounter with law enforcement. Judge Gossett determined: Officer Maddux acted reasonably in making the traffic stop because he was suspicious that Flores might have been driving while impaired; once Flores's documents were returned to him and he was no longer "seized," the traffic stop was not unlawfully expanded and further contact was consensual; if the continued contact were not consensual, the officer had reasonable articulable suspicion to expand the scope of the stop; and the Defendant voluntarily consented to a search of his vehicle.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court

has read the Defendant's brief (Filing No. 13) and the transcript (Filing No. 21). The Court has also viewed the evidence, consisting of a videotape. (Filing No. 18) Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 22) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 12) is denied.

DATED this 8th day of August, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge